THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.26116 OF 1997

Date: 11th July 2006

Between:

1. S.Subbarayudu, son of Dorayya,
   aged 48 years, residing at Markondapadu
   village, West Godavari District
   and another.

… Petitioners.

And

The Deputy Registrar,
Cooperative Societies,
Kovvur, West Godavari District.

… Respondent.

* * *

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring action of the respondent in initiating surcharge proceedings by notices dated 13.6.1997 for recovery of amounts against the petitioners based on the inspection under Section 52 of the Andhra Pradesh Cooperative Societies Act (7 of 1964) (for short 'the Act'), as arbitrary and illegal.

2. At the time of admission of the writ petition on 08.12.1997 this court passed an interim order in W.P.M.P.No.30356 of 1997, which reads as under:

> " The recovery may not be made on the basis of the impugned notice. At the same time the respondents shall

enquire into the matter and pass appropriate orders. This order shall not be an impediment for recovery if an order is passed after enquiry."

In view of the above interim order, no further orders are necessary. If the authorities have not enquired into the matter, it may conduct enquiry and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

3. With the above observation, the writ petition is disposed of. No costs.

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C.V.RAMULU, J.

Date: 11th July 2006.
BSB